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10/816,319	04/01/2004	Matthew David Maddin	418268847US	9120
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PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER MOUZON, LAJUANIA N	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/816,319

Applicant(s)

MADDIN ET AL.

Examiner

La Juania N. Mouzon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 199. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because in Fig. 2 reference #199 and 100 should be 410 and 200 respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100 (Fig. 1) and 400 (Fig. 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the generating a message with a full ordered packet (claims #8 & #9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wherein receiving a request from a second computer to join a context further comprises receiving a request

from a second computer that comprises a client of a server and wherein the server is associated only with the second computer and not the first computer (Claim #3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. The disclosure is objected to because of the following informalities: pg. 1 line(s) 31 should read, "...110 must wait for the server 440 **105** to send...".

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: pg. 2 line(s) 5-9 all reference #100 should be #200.

Appropriate correction is required.

### ***Claim Objections***

8. Claim 14 is objected to because of the following informalities: Should read, "The system of claim 13, wherein the context comprises information that tracks one or **more** relationships between multiple system network objects and relationships between computers that may have ~~one of~~ copies of the objects and access to the objects." As similarly stated on pg. 21 line(s) 17-19 of specification.

Appropriate correction is required.

9. Claim 10 is objected to because of the following informalities: Should read, "The method of claim 1, further comprising: receiving packets ~~with~~ **by** the second computer; and determining when the packets received ~~with~~ **by** the second computer ~~were~~ **was** created relative to the context data.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,809,749).

12. In regards to claim 1 Chen et al. discloses, a method for sharing programming objects between computers comprising:

- a. creating a context having a unique identifier **(Col. 4 line(s) 53-62, teach that the web server creates a design conference group (context) with a conference identification number (unique identifier);**
- b. receiving a request from a second computer to join a context with a first computer **(Col. 5 line(s) 8-13, teach a user (second computer) sending a request, to the web server (first computer), to join the design conference group (context).);**
- c. determining if the second computer has permission to join the context **(Col. 5 line(s) 15-16, teach the web server determining if the computer is authorized to join.); and**
- d. sending a message comprising context data to the second computer if the first computer has permission **(Col. 5 line(s) 27-35, teach after the user is authorized then sending the design conference application page (context).).**



13. In regards to claim 2 Chen et al. discloses, wherein receiving a request from a second computer to join a context further comprises receiving a request from a second computer that comprises a server **(Col. 5 line(s) 8-10, teach that a user at a web client is requesting to join a context on the first computer. It is inherent that the second computer includes any form of a computing device including a server computer.)**.

14. In regards to claim 3 Chen et al. discloses, wherein receiving a request from a second computer to join a context further comprises receiving a request from a second computer that comprises a client of a server and wherein the server is associated only with the second computer and not the first computer **(Col. 5 line(s) 8-10, teach receiving a request to join a context that includes receiving the request from a web client associated only with the second computer and not the first computer.)**.

15. In regards to claim 4 Chen et al. discloses, wherein receiving a request from a second computer to join a context further comprises receiving a request from a second computer that is part of a computer network that includes the first computer **(Fig. 1 & 2 teach that the second and first computer are part of a computer network (the Internet).)**.

16. In regards to claim 5 Chen et al. discloses, wherein sending a message comprising context data to the second computer further comprises sending information relating to one of a chat room, a word processing program, a spreadsheet program, a slide presentation program, and a gaming program **(Col. 5 line(s) 27-35 and Col. 6**

**line(s) 18-20, teach the context being a chat room environment (design conference application page.).**

17. In regards to claim 6 Chen et al. discloses, wherein sending a message comprising context data to the second computer further comprises sending information relating to a real-time collaboration (**Col. 5 line(s) 27-35, teach that the information sent is relating to a real-time collaboration since the design conference page is an interactive page that allows users (computers) to transmit/share data, in real-time, to each other (Col. 5 line(s) 66-67 – Col. 6 line(s) 20).).**

18. In regards to claim 7 Chen et al. discloses, wherein receiving a request from a second computer to join a context further comprises receiving a request from a second computer comprising a hand held computer and wherein the first computer comprises one of a desk top and lap top (**Fig. 1 and Fig 2 displays a web server (first computer) and web clients (Second computer), it is inherent that the first computer is either a desktop or laptop given that a web server usually resides on some form of a computer apparatus. Secondly, it inherent that the web clients are hand held computers being that they are able to run java applets (#318) and have web browsers (#312).).**

19. Claims 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniell et al. (US 6,976,092).

20. In regards to claim 11 Daniell et al. discloses, a system for supporting real time collaboration computer applications comprising:

- e. an application program for receiving input and for providing output that is shared between computers (**Fig. 4B, displays a Instant Messenger (application program) for receiving input and for providing output that is shared between computers.);**
- f. a system network object for supporting function calls made by the application program and that is accessible by other computers across a network (**Fig. 3 & 5 and Col. 5 line(s) 2-9 & 24-37, teach that a transport protocol object (TPO) is instantiated by receiving a function call from the application and is accessible by other computers across a network.);** and
- g. a transport abstraction layer for establishing and maintaining communications between system network objects distributed across the network, irrespective of whether the system network objects reside on server computers and non-server computers (**Fig. 5 and Col. 9 line(s) 31-34, teach that the TPOs are located in the Abstraction Server (transport abstraction layer/ TAL) causing this layer to be used for establishing and maintaining communications (via the TPOs) between system network objects distributed across the network, irrespective of whether the system network objects reside on server computers and non-server computers.);**

21. In regards to claim 12 Daniell et al. discloses, wherein the transport abstraction layer comprises a set of interfaces (**Col. 9 line(s) 31-34, teach that the TAL comprises multiple TPOs (set of interfaces).**).

22. In regards to claim 13 Daniell et al. discloses, wherein the system network object is part of a context (**Fig. 3 and Col. 5 line(s) 16-21, teach that each TPO (system network object) is part of the client (context).**).

23. In regards to claim 14 Daniell et al. discloses, wherein the context comprises information that tracks one or relationships between multiple system network objects and relationships between computers that may have one of copies of the objects and access to the objects (**Col. 11 line(s) 25-37, teach that the context includes a thread id that tracks relationships between multiple system network objects and relationships between computers that may have one of copies of the objects and access to the objects.**).

24. In regards to claim 15 Daniell et al. discloses, wherein the application program comprises one of chat room application, a word processing program, a spreadsheet program, a slide presentation program, and a gaming program (**Fig 4B, teach an instant messaging software (chat room application) as an application program.**).

25. In regards to claim 16 Daniell et al. discloses, wherein the application program comprises a real time collaboration program (**Fig 4B, teach that the application program is a real time collaboration program.**).

26. In regards to claim 17 Daniell et al. discloses, wherein the computers across the network comprise at least one computer server and at least one peer-to-peer network (**Fig. 3, teaches the computers across the network being at least on computer server (#310) and at least one peer-to-peer network (#310 connected to #320).**).

27. In regards to claim 18 Daniell et al. discloses, wherein the computers across the network are part of a peer-to-peer network (**Fig. 3, teach that the computers across the network are part of a peer-to-peer network (#310 connected to #320).**).

### ***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966); that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

30. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,809,749) as applied to claim 1 above, and further in view of Carroll et al. (US 6,327,630).

31. In regards to claim 8 Chen do not disclose, generating the message with a full ordered packet.

32. In the same field of endeavor Carroll et al. teach a data processing system exchanging data from different nodes whereas the messages are generated in a total ordering (full ordering) packet, by using a time stamps as indicators **(Abstract)**.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen et al. method and apparatus for conducting an interactive design conference over the internet with Carroll et al. teaching as discussed above to allow for the capability of to guarantee the same order the receiving system receives the message, i.e. to resolve the "race condition" problem.

34. In regards to claim 9 Chen et al. do not disclose, generating the message with a full ordered packet.

35. In the same field of endeavor Carroll et al. teach a data processing system exchanging data from different nodes whereas the messages are generated in a total ordering (full ordering) packet, by using a time stamps as indicators **(Abstract)**.

36. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen et al. method and apparatus for conducting an interactive design conference over the internet with Carroll et al. teaching as discussed above to allow for the capability of to guarantee the same order the receiving system receives the message, i.e. to resolve the "race condition" problem.

37. Chen et al. do disclose, a message comprising the context data and a list of last packet numbers from one or more nodes that are part of the context **(Col. 5 line(s) 27-35, teach that the message that is sent includes context data (conference center) and includes a list of last packet numbers from one or more nodes that are part of the context (the updated list of participants conference list).)**

38. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,809,749) as applied to claim 1 above, and further in view of Zhu et al (US PGPub 2003/0167339).

39. In regards to claim 10 Chen do not disclose, receiving packets with the second computer; and determining when the packets received with the second computer were created relative to the context data.

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40. In the same field of endeavor Zhu et al. teach using a web conferencing application communicating with multiple computer clients. When the client logs into the web server it checks to see if the version of the current plug-in, conference center (context data), installed from the last session, is current if not downloads an updated version (**¶0062 line(s) 7-14**).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen et al. method and apparatus for conducting an interactive design conference over the internet with Zhu et al. teaching as discussed above to allow for the capability of ensuring that the current information that is received is received is the most current.

### ***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Auerbach et al. (US 6,549,937) system and method for multi-protocol communication in a computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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